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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO: CR 15-416 WHA
	)	
Plaintiff,	)	STIPULATION TO CONTINUE, TO EXCLUDE
	)	TIME, AND <del>PROPOSED</del> ORDER
v.	)	
	)	
ENZO CESTONI	)	
	)	
Defendant.	)	
	)	
	)	

This matter has been set for a status conference on August 23, 2016, at 2pm. This Court has previously expressed its desire that counsel for Selena Lennox attend the next status conference. *See* Dkt. No. 155. On August 17, 2016, counsel for the parties were informed by Juliana Drous, counsel to Selena Lennox, that Ms. Drous has been asked by her doctors to participate in a study related to a recent surgery, and that she has an appointment related to the study on August 23, 2016. Ms. Drous will therefore be unable to attend the scheduled hearing in this matter. The parties and Ms. Drous have discussed future availability for a status conference, and all concerned parties will be available on September 13, 2016. The government further represents to the Court that it does not yet have authorization to file a brief in the pending appeal. The government's opening brief is due on September 9, 2016, and it therefore expects that the status of its authorization to appeal will be clear by September 13, 2016.

STIPULATION TO CONTINUE, TO EXCLUDE TIME, AND ~~PROPOSED~~ ORDER  
CR 15-416 WHA

1 For these reasons, IT IS HEREBY STIPULATED, by and between the parties to this action, that  
2 the status conference currently set for August 23, 2016, be continued to September 13, 2016. It is  
3 further stipulated between the parties that the time between August 23, 2016 and September 13, 2016, be  
4 excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B). Excluding time  
5 until September 13, 2016, will allow for the effective preparation of counsel, for continuity of counsel,  
6 and is appropriate in light of the pending Notice of Appeal. *See* 18 U.S.C. § 3161(h)(7)(B)(iv);  
7 3161(h)(1)(C).

8 IT IS SO STIPULATED.

9  
10 DATED: August 18, 2016

/s/  
\_\_\_\_\_  
ANDREW F. DAWSON  
Assistant United States Attorney

11  
12 DATED: August 18, 2016

/s/  
\_\_\_\_\_  
ELLEN LEONIDA  
Assistant Federal Public Defender  
Counsel for Defendant ENZO CESTONI

## [PROPOSED] ORDER

The status conference currently set for August 23, 2016, is continued to September 13, 2016. The Court finds that the exclusion of the period from August 23, 2016 to September 13, 2016 from the time limits applicable under 18 U.S.C. § 3161, is warranted; that the ends of justice served by the continuance outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation and of continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further notes that exclusion of time is appropriate in light of the pending Notice of Appeal. *See* 18 U.S.C. § 3161(h)(1)(C).

IT IS SO ORDERED.

DATED: August 19, 2016.  
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HON. WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE